United States Department of Labor Employees' Compensation Appeals Board

R.W., Appellant)
_)
and) Docket No. 20-1150 &
) 19-1109
DEPARTMENT OF VETERANS AFFAIRS,) Issued: March 1, 202
VETERANS ADMINISTRATION MEDICAL)
CENTER, San Diego, CA, Employer)
)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

ORDER DISMISSING APPEAL IN DOCKET NO. 20-1150 AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 19-1109

Before:

ALEC J. KOROMILAS, Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On April 30, 2020 appellant sought appeal from a purported April 17, 2020 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 20-1150.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act.¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.² As of the filing of the current appeal, the most recent OWCP decision was dated February 15, 2019. However, by a January 2, 2020 decision in Docket No. 19-1109, the Board set aside OWCP's February 15, 2019 decision, finding that OWCP should further

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(e).

² 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

develop the medical evidence pertaining to appellant's schedule award claim.³ As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 20-1150 must be dismissed.

To the extent that appellant's appeal may be construed as a timely petition for reconsideration of the Board's decision in Docket No. 19-1109, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁴ As appellant did not file his disagreement with the Board's decision until April 30, 2020, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁵ Thus, the petition for reconsideration of the Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 20-1150 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 19-1109 is dismissed as untimely filed.

Issued: March 1, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

³ Docket No. 19-1109 (issued January 2, 2020).

⁴ 20 C.F.R. § 501.6(d).

⁵ See id. at § 501.7(a).